

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**EHOSTAR SATELLITE LLC, a Colorado  
corporation, EHOSTAR TECHNOLOGIES  
CORPORATION, a Texas corporation, and  
NAGRASTAR LLC, a Colorado corporation,**

**Plaintiffs,**

**v.**

**FINISAR CORPORATION, a Delaware  
corporation,**

**Defendant.**

**Case No. 06-0425-JJF**

**FINISAR CORPORATION'S MOTION TO DISMISS  
PLAINTIFFS' DECLARATORY JUDGMENT COMPLAINT**

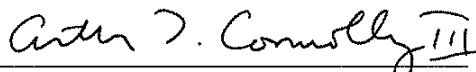
Pursuant to Fed. R. Civ. P. 12(b)(1) and for the reasons set forth in its accompanying brief, defendant Finisar moves to dismiss this declaratory judgment complaint for lack of subject matter jurisdiction because there is no justiciable case or controversy.

Respectfully submitted,

DATED: October 24, 2006

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**CERTIFICATE OF SERVICE**

I, ARTHUR G. CONNOLLY, III, do hereby certify that on this date, true and correct copies of the foregoing were served upon the following counsel via ECF and as follows:

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